

106TH CONGRESS
2D SESSION

S. 2124

To authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2000

Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PUBLIC SCHOOL REPAIR AND RENOVATION.**

4 Title XII of the Elementary and Secondary Edu-
5 cation Act of 1965 (20 U.S.C. 8501 et seq.) is amended
6 to read as follows:

**“TITLE XII—PUBLIC SCHOOL
REPAIR AND RENOVATION**

“SEC. 12001. FINDINGS.

“Congress finds as follows:

“(1) The General Accounting Office estimated in 1995 that it would cost \$112,000,000,000 to bring our Nation’s school facilities into good overall condition.

“(2) The General Accounting Office also found in 1995 that 60 percent of the Nation’s schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

“(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

“(4) School condition is positively correlated with student achievement, according to a number of research studies.

“(5) The results of a recent survey indicate that the condition of schools with large proportions

1 of students living on Indian lands is particularly
2 poor.

3 “(6) While school repair and renovation are pri-
4 marily a State and local concern, some States and
5 communities are not, on their own, able to meet the
6 burden of providing adequate school facilities for all
7 students, and the poorest communities have had the
8 greatest difficulty meeting this need. It is, therefore,
9 appropriate for the Federal Government to provide
10 assistance to high-need communities for school re-
11 pair and renovation.

12 **“SEC. 12002. PURPOSE.**

13 “The purpose of this title is to assist high-need local
14 educational agencies in making urgent repairs and renova-
15 tions to public school facilities in order to—

16 “(1) reduce health and safety problems, includ-
17 ing violations of local or State fire codes, faced by
18 students; and

19 “(2) improve the ability of students to learn in
20 their school environment.

21 **“SEC. 12003. AUTHORIZED ACTIVITIES.**

22 “(a) IN GENERAL.—A recipient of a grant or loan
23 under this title shall use the grant or loan funds to carry
24 out the purpose of this title by—

1 “(1) repairing or replacing roofs, electrical wir-
2 ing or plumbing systems;

3 “(2) repairing, replacing, or installing heating,
4 ventilation, or air conditioning systems;

5 “(3) ensuring that repairs and renovations
6 under this title comply with the requirements of sec-
7 tion 504 of the Rehabilitation Act of 1973 and the
8 Americans with Disabilities Act of 1990 relating to
9 the accessibility of public school programs to individ-
10 uals with disabilities; and

11 “(4) making other types of school repairs and
12 renovations that the Secretary may reasonably deter-
13 mine are urgently needed, particularly projects to
14 correct facilities problems that endanger the health
15 and safety of students and staff such as violations
16 of State or local fire codes.

17 “(b) LIMITATION.—The Secretary shall not approve
18 an application for a grant or loan under this title unless
19 the applicant demonstrates to the Secretary’s satisfaction
20 that the applicant lacks sufficient funds, from other
21 sources, to carry out the repairs or renovations for which
22 the applicant is requesting assistance.

1 **“SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES**
2 **WITH HIGH CONCENTRATIONS OF STUDENTS**
3 **LIVING ON INDIAN LANDS.**

4 “(a) GRANTS AUTHORIZED.—From funds available
5 under section 12008(a), the Secretary shall award grants
6 to local educational agencies to enable the agencies to
7 carry out the authorized activities described in section
8 12003 and subsection (e).

9 “(b) ELIGIBILITY.—A local educational agency is eli-
10 gible for a grant under this section if the number of chil-
11 dren determined under section 8003(a)(1)(C) of this Act
12 for that agency constituted at least 50 percent of the num-
13 ber of children who were in average daily attendance at
14 the schools of such agency during the preceding school
15 year.

16 “(c) ALLOCATION OF FUNDS.—The Secretary shall
17 allocate funds available to carry out this section to eligible
18 local educational agencies based on their respective num-
19 bers of children in average daily attendance who are
20 counted under section 8003(a)(1)(C) of this Act.

21 “(d) APPLICATIONS.—Each eligible local educational
22 agency that desires to receive a grant under this section
23 shall submit an application to the Secretary that
24 includes—

25 “(1) a statement of how the agency will use the
26 grant funds;

1 “(2) a description of the steps the agency will
2 take to adequately maintain the facilities that the
3 agency repairs, renovates, or constructs with those
4 funds; and

5 “(3) such other information and assurances as
6 the Secretary may reasonably require.

7 “(e) CONSTRUCTION OF NEW SCHOOLS.—In addition
8 to any other activity authorized under section 12003, an
9 eligible local educational agency may use grant funds re-
10 ceived under this section to construct a new school if the
11 agency demonstrates to the Secretary’s satisfaction that
12 the agency will replace an existing school that is in such
13 poor condition that renovating the school will not be cost-
14 effective.

15 **“SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDU-**
16 **CATIONAL AGENCIES.**

17 “(a) GRANTS AUTHORIZED.—From funds available
18 under section 12008(b)(1), the Secretary shall make
19 grants, on a competitive basis, to local educational agen-
20 cies with poverty rates of 25 percent or greater to enable
21 the agencies to carry out the authorized activities de-
22 scribed in section 12003.

23 “(b) CRITERIA FOR AWARDING GRANTS.—In award-
24 ing grants under this section, the Secretary shall
25 consider—

1 “(1) the poverty rate, the need for school re-
2 pairs and renovations, and the fiscal capacity of
3 each local educational agency; and

4 “(2) such other factors as the Secretary deter-
5 mines appropriate.

6 “(c) APPLICATIONS.—Each eligible local educational
7 agency that desires to receive a grant under this section
8 shall submit an application to the Secretary that
9 includes—

10 “(1) a description of the agency’s urgent need
11 for school repair and renovation and of how the
12 agency will use funds available under this title to
13 meet those needs;

14 “(2) information on the fiscal effort that the
15 agency is making in support of education and evi-
16 dence demonstrating that the agency lacks the ca-
17 pacity to meet the agency’s urgent school repair and
18 renovation needs without assistance made available
19 under this title;

20 “(3) a description of the steps the agency will
21 take to adequately maintain the facilities that the
22 agency repairs or renovates with the assistance; and

23 “(4) such other information and assurances as
24 the Secretary may reasonably require.

1 **“SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.**

2 “(a) GRANTS AND LOANS AUTHORIZED.—From
3 funds available under section 12008(b)(2), the Secretary
4 shall make grants, and shall pay the cost of loans made,
5 on a competitive basis, to local educational agencies that
6 lack the ability to fund urgent school repairs without a
7 grant or loan provided under this section to enable the
8 agencies to carry out the authorized activities described
9 in section 12003.

10 “(b) LOAN PERIOD.—Each loan under this section
11 shall be for a period of 7 years and shall carry an interest
12 rate of 0 percent.

13 “(c) CRITERIA FOR MAKING LOANS.—In making
14 loans under this section, the Secretary shall consider—

15 “(1) the extent of poverty, the need for school
16 repairs and renovations, and the fiscal capacity of
17 each applicant; and

18 “(2) such other factors as the Secretary deter-
19 mines appropriate.

20 “(d) APPLICATIONS.—Each eligible local educational
21 agency that desires to receive a grant or loan under this
22 section shall submit an application to the Secretary that
23 includes the information described in section 12005(c).

24 “(e) CREDIT STANDARDS.—In carrying out this sec-
25 tion, the Secretary—

1 “(1) shall not extend credit without finding that
2 there is reasonable assurance of repayment; and

3 “(2) may use credit enhancement techniques, as
4 appropriate, to reduce the credit risk of loans.

5 **“SEC. 12007. PROGRESS REPORTS.**

6 “The Secretary shall require recipients of grants and
7 loans under this title to submit progress reports and such
8 other information as the Secretary determines necessary
9 to ensure compliance with this title and to evaluate the
10 impact of activities assisted under this title.

11 **“SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) GRANTS UNDER SECTION 12004.—For the pur-
13 pose of making grants under section 12004, there are au-
14 thorized to be appropriated \$50,000,000 for fiscal year
15 2001 and such sums as may be necessary for each of the
16 4 succeeding fiscal years.

17 “(b) GRANTS UNDER SECTION 12005 AND GRANTS
18 AND LOANS UNDER SECTION 12006.—For the purpose
19 of making grants under section 12005, and grants and
20 loans under section 12006, there are authorized to be ap-
21 propriated \$1,250,000,000 for fiscal year 2001 and such
22 sums as may be necessary for each of the succeeding 4
23 years, of which—

24 “(1) 10 percent shall be available for grants
25 under section 12005; and

1 “(2) 90 percent shall be available to make
2 grants and to pay the cost of loans under section
3 12006.

4 “(c) LIMITATION ON LOAN VOLUME.—Within the
5 available resources and authority, gross obligations for the
6 principal amount of direct loans offered by the Secretary
7 under section 12006 for fiscal year 2001 shall not exceed
8 \$7,000,000,000, or the amount specified in an applicable
9 appropriations Act, whichever is greater.

10 **“SEC. 12009. DEFINITIONS.**

11 “For the purpose of this title, the following terms
12 have the following meanings:

13 “(1) LOCAL EDUCATIONAL AGENCY.—The term
14 ‘local educational agency’ has the meaning given
15 that term in section 14101(18) (A) and (B) of this
16 Act.

17 “(2) PUBLIC SCHOOL FACILITY.—

18 “(A) IN GENERAL.—The term ‘public
19 school facility’ means a public building whose
20 primary purpose is the instruction of public ele-
21 mentary or secondary students.

22 “(B) EXCLUSIONS.—The term excludes
23 athletic stadiums or any other structure or fa-
24 cility intended primarily for athletic exhibitions,

1 contests, games, or events for which admission
2 is charged to the general public.

3 “(3) REPAIR AND RENOVATION.—The term ‘re-
4 pair and renovation’ used with respect to an existing
5 public school facility, means the repair or renovation
6 of the facility without increasing the size of the
7 facility.”.

